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Amendments to the Drawings:

The attached two sheets of drawings include changes to original Fig. A and Fig. B. These two replacement sheets include Fig. 1 and Fig. 2, which replace the original sheets including Fig. A and Fig. B.

Attachment: Two (2) Replacement Sheets

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Remarks/Arguments:

Reconsideration of the application as amended is requested.

Applicants request a one month extension of time to respond to the outstanding Office action, and a separate petition to this effect is enclosed.

The Examiner is hereby advised that the subject patent application and related invention have been conveyed to Quality Edge, Inc., who has appointed the undersigned to pursue further prosecution of the present application. An executed Power of Attorney document is enclosed, such that further communications in this application should be directed to the undersigned attorney.

The Examiner's remarks and cited references have been received and carefully considered. Originally presented claims 1-25 have been canceled without prejudice, and new claims 26-45 have been added.

With respect to the Examiner's prior Election/Restriction Requirement, Applicants hereby withdraw their traversal of the same.

In response to the Examiner's objection to Figs. A and B, two replacement sheets are enclosed, which renumber the same as Figs. 1 and 2, and correct the inconsistencies and informalities existed in the originally submitted drawings. Applicants submit that the drawings, as amended, show each and every feature of the claimed invention, and that newly submitted Figs. 1 and 2 do not add any new matter to the application.

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The Examiner objected to original claims 1, 7, 21 and 22, as well as claims 7, 21 and 22, based upon the informalities of record. Since these claims have now been canceled without prejudice, the objections are deemed moot.

The Examiner rejected original claim 19 under 35 U.S.C. § 112 (second paragraph) as being indefinite. Since all originally presented claims have been canceled without prejudice, the Examiner's rejection is now deemed moot. The new claims presented herein do not include the term "mullion", and are therefore believed to be definite.

The Examiner rejected original claims 1-6, 9-10 and 15-17 under 35 U.S.C. § 102(e) as being anticipated by the Richard Patent 6,732,477. The Examiner also rejected original claims 7-8, 18 and 20-22 under 35 U.S.C. § 103(a) as being unpatentable over the Richard '477 patent. The Examiner also rejected original claim 19 under 35 U.S.C. § 103(a) as being unpatentable over the Richard '477 patent in view of the Seise Patent Publication 2004/0244303. For those reasons set forth in detail below, Applicants assert that the new claims presented herein are clearly patentable over the Richard '477 and Seise '303 references, as well as the other references of record.

New claim 26 defines a rain gutter system for buildings and the like, which includes a conventional rain gutter having a generally trough-shaped interior, a rear wall extending along a roof fascia, a bottom wall and a front lip. The rain gutter system also includes a gutter guard for deflecting debris from the interior of the gutter, comprises an elongate gutter cover having a back section extending along an associated roof, a middle section extending over the interior

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of the gutter, and a front section extending adjacent to the front lip of the gutter. The middle section of the gutter cover has an integrally formed, longitudinally extending, doubled-over fold which projects generally horizontally toward the back section of the gutter cover to define a male coupling member. The gutter guard also includes a mounting bracket operably connected with the gutter, and having an intermediate portion supporting the middle section of the gutter cover thereon to deflect debris from the interior of the gutter, and a forward portion supporting the front section of the gutter cover along the front lip of the gutter. The intermediate portion of the mounting bracket has a coupling slot opening generally horizontally toward the front section of the mounting bracket to define a female coupling member in which the male coupling member of the gutter cover is closely received and retained to securely mount the gutter cover on the mounting bracket without separate fasteners.

The Richard '477 patent discloses a gutter cap 1 designed to cover an associated rain gutter 6. The rain gutter 6 is affixed to a fascia plank 60 by a mounting bracket 7. The rain gutter is comprised of a trough 9 with a front wall 62, a bottom 61 and a rear wall 63. Mounting bracket 7 reinforces the front wall 62 of the trough with a cross strut 74 and a rear wall 63 with a hanging strap 75. The gutter cap 1 illustrated in Figs. 1-4 of the Richard '477 patent includes a cover 2 and a mounting block 3 with a fastening means 4. The fastening means 4 is a screw which attaches the rear flange 23 of cover 2 to the fascia plank 60 of the eave. A cover is supported by mounting block 3. The illustrated cover 2 is substantially flat with a longitudinally hooked front edge 22 and a longitudinal rear flange 23. The mounting

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block 3 has a sloped upper face 32 which supports the underside of the cover 2. The cross strut interlocking lower portion has a deformable horizontal rectangular slot 31 for receiving and snapping onto the cross strut 74 where the cross strut 74 spans the gutter trough 9. The mounting block 3 also has a rear face with a recessed region 33 for receiving fastener elements of the hanging strap 75 of mounting bracket 7. As set forth at column 7, lines 1-8 of the Richard '477 patent,

“The fastening means 4 fastens the longitudinal flange 23 of the gutter cap to the fascia plank 60, or to a crevice between the first course of shingles 68 (FIG. 10), and the underlying structural roof 65. The fastening means 4 consists of a screw, a staple, a nail or a similar fastener. The fastening means 4 attaches the longitudinal rear flange 23, shown in FIG. 1 of the cover 2 to the fascia plank 60 of the eave.”

Figs. 6, 7 and 12 of the Richard '477 patent illustrate a truss-shaped mounting block 3 which is functionally similar to the previously described mounting block, and snaps onto an associated cross strut 74 to support the cover 2 thereon.

While the Richard '477 patent does disclose a gutter cap for existing gutters, it is otherwise very different in both structure and function than Applicants' rain gutter system as set forth in new claim 26. More specifically, the Richard '477 patent, as quoted above, requires that the cover 2 be fastened to either the fascia plank 60 or the structural roof 65 by fasteners 4. In Applicants' claimed gutter system, the gutter cover is not attached to the fascia or roof with screws, but rather is held in place by unique, fastenerless coupling members on

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the gutter cover and mounting bracket. Furthermore, while the Richard '477 cover 2 does have a hooked frontal edge 22 that is received within a slot in the mounting block 3, it does not teach or suggest the integrally formed, longitudinally extending, doubled-over fold of Applicants' claimed gutter cover design, which projects generally horizontally toward the back section of the gutter cover to define a male coupling member. Furthermore, the slot of the Richard '477 gutter guard in which the hooked frontal edge 22 is received is located in the forwardmost end 34 of the mounting block 3. This is clearly different from Applicants' claimed mounting bracket, which has an intermediate portion on which the middle portion of the gutter cover is supported, with a coupling slot that opens generally horizontally toward the front section of the mounting block to define a female coupling member in which the male coupling member of the gutter cover is closely received and retained to securely mount the gutter cover on the mounting bracket without separate fasteners. This feature of Applicants' rain gutter system, as set forth in new claim 26, is clearly not taught or suggested by the Richard '477 patent, or any of the other references of record.

The Seise '303 reference discloses a rain gutter cover system 10 for an associated gutter 16. The Seise '303 cover assembly 14 is coupled to the gutter 16 and extends over the gutter 16 and the roofline "RL" in a covering relationship therewith to siphon water into the gutter 16. The Seise '303 cover assembly 14 includes a one-piece screen 20 having a plurality of fluted perforations 22 formed therein. The screen 20 is generally S-shaped, and defines an upper guard section 24, a bull-nose ledge 26, an intermediate siphoning section 28, a

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secondary bend 30 and a lower drainage section 32. In the example illustrated in Figs. 2 and 3, screws 38 are used to connect the front portion of screen 20 with the gutter 16, whereas in the example illustrated in Fig. 9, the front edge of screen 102 has a clip 100 that is configured to frictionally engage the edge of the gutter 104. Fig. 6 illustrates an alternate embodiment of the Seise '303 rain gutter cover system affixed to adjoining eaves at the corner of a building. While the Seise '303 reference does disclose a rain gutter cover system that is adapted for installation along adjoining ends at the corner of a building, it does not disclose or suggest the gutter guard arrangement set forth in Applicants' new claim 26, wherein a middle section of the gutter cover has an integrally formed, longitudinally extending, doubled-over fold which projects generally horizontally toward the back section of the gutter cover to define a male coupling member, nor does the Seise '303 reference contemplate a mounting bracket that is operably connected with the gutter, and an has intermediate portion supporting the middle section of the gutter cover thereon to deflect debris from the interior of the gutter, with a coupling slot opening generally horizontally toward the front section of the mounting bracket to define a female coupling member in which the male coupling member of the gutter cover is closely received and retained to securely mount the gutter cover on the mounting bracket without separate fasteners, as set forth in Applicants' new claim 26.

Applicants have carefully reviewed the remaining references of record, and assert that none teach or suggest those features noted above as missing in the Richard '477 and Seise '303 references.

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New claim 27, which depends directly from new claim 26, further recites that the coupling slot in the mounting bracket is generally U-shaped, with generally parallel opposite sidewalls inclined in a downward direction, while new claim 28, which depends from new claim 27, recites that the fold in the gutter cover is spaced below and parallel with the middle section of the gutter cover, and is inclined in a downward direction. These additional features of Applicants' claimed invention are clearly not taught or suggested by either the Richard '477 patent, or the other cited references. New claims 30-35 depend either directly or indirectly from claims 26-28 discussed above, and add additional structure and function thereto which further distinguish the same over the references of record.

New claim 36 is directed to a guard for conventional rain gutters, and is otherwise similar to new claim 26 discussed in detail above. Applicants assert that new claim 36, along with new claims 37-45 which depend therefrom, are also patentable over the references of record for those reasons set forth above in support of new claim 26.

Enclosed is a Supplemental Disclosure Statement to identify various references which the current Assignee has become aware through the prosecution of their related U.S. Patents 6,993,870; 7,347,027; 7,506,476, and pending Application Serial No. 11/978,426 on a RAIN GUTTER GUARD AND METHOD. Applicants assert that the references identified in the Supplemental Disclosure Statement are no more pertinent than those already of record.

Applicants submit that the new claims submitted herewith are sufficiently definite under 35 U.S.C. § 112, so as to reasonably apprise those skilled in the art as to their scope.

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Applicants further submit that the references of record do not teach or in any way suggest the unique rain gutter system and associated gutter guard recited in the new claims. The hypothetical combination of references upon which the Examiner relied in his rejection of the original claims is simply not suggested or contemplated by the references themselves, and therefore would constitute an improper hindsight reconstruction of Applicants' own invention if similarly applied to the new claims submitted herewith. Applicants' invention is directed to problems that are not addressed by any of the prior art references and solves problems and inconveniences experienced in the prior art, thereby representing a significant advancement in the art. It is therefore respectfully submitted that claims 26-45 inclusive should be allowed, since the references, taken singly or in any combination, do not teach the unique rain gutter system and associated gutter guard set forth therein. A notice to this effect is earnestly solicited.

Respectfully submitted,

LES TEICHNER ET AL

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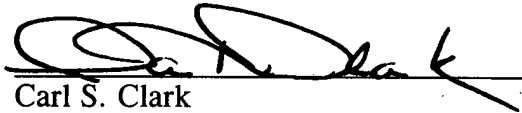
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CERTIFICATE OF MAILING

I hereby certify that this correspondence, and all identified enclosures and attachments are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450, on

5/21/09


Carl S. Clark

CSC/jkrp
Enclosures